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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,954	11/26/2003	Heeren Pathak	VIGN1540-1	9409
44654 7590 04/30/2007 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705				
			EXAMINER FERNANDEZ RIVAS, OMAR F	
			ART UNIT 2129	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,954	<b>Applicant(s)</b> PATHAK ET AL.	
	<b>Examiner</b> Omar F. Fernández Rivas	<b>Art Unit</b> 2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/7/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office Action is in response to an RCE filed by the Applicant entered on February 27, 2007.
2. The Office Actions of August 29, 2006, and April 2006 are incorporated into this Non-Final Office Action by reference.

### *Status of Claims*

3. Claims 1-25 have been cancelled. Claims 26-50 are new. Claims 26-50 are pending on this application.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-34, 36-45 and 47-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Zothner (US Patent #6,775,658, referred to as **Zothner**).

### **Claims 26, 37 and 48**

Zothner anticipates a method for robust real-time management of content in a network environment (**Zothner**: abstract; C2, L60 to C3, L15; C11, L17-29; C13, L3-9; Fig. 1; Examiner's Note (EN): paragraph 9 applies. The notifications contain data (content) to send to a target depending on the rules. Sending notifications based on the

rules is managing content. The notifications are sent when a trigger point is reached (real-time)), comprising: associating each of a plurality of content management rules with one or more rule conditions for determining an applicability of said each of said plurality of content management rules to said content (**Zothner**: abstract; C2, L60 to C3, L15; C11, L11-16; C12, L41-47; C17, L24-28; EN: depending on the rules, a notification will be sent to the target); dynamically updating the state of said one or more rule conditions (**Zothner**: C11, L9-16; C12, L37-64; C13, L35-52; C14, L21 to C16, L47; C17, L24-28; EN: the conditions in the rules must be updated to determine the action to take. Moreover, the status (condition) of the rules will depend on the trigger points and the state of an object); depending upon the state of said one or more rule conditions, selectively applying one or more applicable content management rules associated therewith to provide said content to users to drive said users towards a first predefined goal (**Zothner**: C11, L9-29; C12, L37-64; C14, L21 to C16, L47; C17, L24-28; EN: providing the notification (goal) to the target based on the rules); and upon reaching said first predefined goal, automatically changing content management rules applied to said content (**Zothner**: abstract; C2, L 60 to C3, L15; C4, L14-23; C11, L9-29; C12, L37-64; EN: paragraph 9 applies. The rules used to deliver the notifications will depend (change) on the trigger points (object state, process state or point in time in the process).

Claims 27 and 38

Zothner anticipates dynamically updating the state of said one or more rule conditions based on user interactions, machine interactions, or a combination thereof

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(**Zothner**: C11, L9-16; C12, L37-64; C13, L35-52; C14, L21 to C16, L47; C17, L24-28;

EN: the state of the rules will be determined by machine interactions).

Claims 28 and 39

Zothner anticipates each content management rule comprises one or more triggers, a set of criteria, and one or more actions (**Zothner**: abstract; C1, L56-61; C2, L60 to C3, L15; C11, L9-16; C12, L37-47).

Claims 29 and 40

Zothner anticipates at least one rule condition is associated with a group of content management rules (**Zothner**: C1, L 28-44 and L56-61; C13, L10-12; EN: the trigger points will determine the condition of the rules).

Claims 30 and 41

Zothner anticipates each of said one or more rule conditions is associated with data or metadata that governs said applicability of said each of said plurality of content management rules to said content (**Zothner**: C12; L37-47; EN: the data in the rules will determine the applicability of the rules).

**Claim 31 and 42**

Zothner anticipates at least one of said one or more rule conditions is an arbitrarily defined set of said data, said metadata, or a combination thereof (**Zothner**: C2, 56-61; C11, L9-29; C12, L37-47; EN: the data in the rules will determine the conditions of the rules and must be arbitrarily set to apply to the process).

**Claims 32 and 43**

Zothner anticipates said metadata is characterized as user metadata, content metadata, rule metadata, or system metadata (**Zothner**: C1, L56-61; C12 L37-47; EN: rule metadata).

**Claims 33 and 44**

Zothner anticipates representing each of said one or more rule conditions as an object accessible by a rules engine (**Zothner**: C1, L56-61; C3, L5-8; C10, L47-51; Fig. 4; C13, L10-19; C14, L21-28).

**Claims 34 and 45**

Zothner anticipates said object contains data or metadata and wherein said rules engine determines, based upon said data or said metadata, said applicability of said each of said plurality of content management rules to said content (**Zothner**: C1, L56-61; C11, L9-16; C12 L37-47).

**Claims 36 and 47**

Zothner anticipates dynamically changing content management rules applied to said content to drive said users towards a second predefined goal (**Zothner**: abstract; C2, L 60 to C3, L15; C4, L14-23; C11, L9-29; C12, L37-64; EN: paragraph 9 applies. The rules used to deliver the notifications (goal) will depend (change) on the trigger points (object state, process state or point in time in the process).

**Claim 49**

Zothner anticipates computer instructions for representing each of said one or more rule conditions as an object accessible by a rules engine (**Zothner**: C1, L56-61;

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C3, L5-8; C10, L47-51; Fig. 4; C13, L10-19; C14, L21-28), wherein said object contains data or metadata and wherein said rules engine determines, based upon said data or said metadata, said applicability of said each of said plurality of content management rules to said content (**Zothner**: C1, L56-61; C11, L9-16; C12 L37-47).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zothner as set forth above in view of Hosken (US Patent #6,438,579, referred to as Hosken).

#### **Claims 35 and 46**

Zothner does not explicitly teach automatically reprioritizing a computer image of said content upon reaching said first predefined goal.

Croy teaches automatically reprioritizing a computer image of said content upon reaching said first predefined goal (**Hosken**: abstract; C16, L24-44; C17, claim 5; EN: paragraph 9 applies. Displaying the recommendations to the user is reprioritizing a computer image (the display)).

It would have been obvious to one of ordinary skill in the arts at the time of the applicant's invention to modify the teachings of Zothner by incorporating reprioritizing a

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computer image of said content upon reaching said first predefined goal as taught by Hosken for the purpose of allowing a user to view the results obtained from the system.

### **Examination Considerations**

6. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 105455, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

7. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

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8. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

9. Examiner's Opinion: The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Croy US Patent Application Publication #2001/0037361

Brandenberg et al. US Patent Application Publication #2003/0063072

Apollonsky et al. US Patent #7,139,757

11. Claims 26-50 are rejected.

### ***Correspondence Information***

Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be reached

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Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-2589 or email [omar.fernandezrivas@uspto.gov](mailto:omar.fernandezrivas@uspto.gov).


If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Omar F. Fernández Rivas  
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Wednesday, April 25, 2007



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